IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE EASTERN DIVISION

PATRICK D. PERRY, et al.,)
Plaintiffs,)
v.) Case No. 1:19-cv-1106-STA-jay
HARDEMAN COUNTY)
GOVERNMENT, et al.)
Defendants.)

HARDEMAN COUNTY EMERGENCY COMMUNICATIONS DISTRICTS' CONCISE STATEMENT OF UNDISPUTED FACTS

Defendant, pursuant to Local Rule 56.1(a), submits this concise statement of material facts in support of its motion for summary judgment, which are as follows:

- 1. The Plaintiffs are Hardeman County deputy sheriffs, jailers, and emergency dispatchers who allege they were unlawfully denied overtime compensation in violation of the FLSA. (Amend. Compl. ¶ 1-43, D.E. 29).
- 2. The dispatcher Plaintiffs <u>accuse</u> the Hardeman County Emergency

 Communications District of being their "joint employer." (Amend. Compl. ¶ 40-43, D.E. 29).
- 3. The Communications District has not hired, disciplined, or fired any of the dispatchers. (Dec. Mary Henderson \P 3).
- 4. The Communications District has no control over what shifts dispatchers work. Indeed, it does not assign dispatchers to shifts or otherwise monitor their attendance or job performance. (Dec. Mary Henderson ¶ 4)

- 5. The Communications District does not make decisions about how much individual dispatchers are paid. (Dec. Mary Henderson ¶ 5)
- 6. The Communications District does not establish any payroll policies/practice applicable to dispatchers, and it does not determine whether they are entitled to overtime and/or how any such overtime is calculated or paid. (Dec. Mary Henderson ¶ 5-7)
- 7. The Communications District does not supervise the dispatchers. (Dec. Mary Henderson \P 8)
- 8. The Communications District does not maintain any employment records relating to the dispatchers. (Dec. Mary Henderson \P 9)
- 9. The Communications District does not have control over the terms and conditions of the dispatchers' employment. (Dec. Mary Henderson \P 9)

Respectfully submitted,

s/ Frank L. Day_

Louis P. Britt III (TN #5613)

Frank L. Day (TN #25345)

FORDHARRISON LLP

1715 Aaron Brenner Drive, Suite 200

Memphis, TN 38120

Telephone: (901) 291-1500

Facsimile: (901) 291-1501 lbritt@fordharrison.com

fday@fordharrison.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of March, 2020, served a true and correct copy of the foregoing document, via the Court's Electronic Filing System upon the following counsel of record:

William C. Sessions, III, Esq. (TN #15017) Heaton & Moore, P. C. 44 North Second Street, Suite 1200 Memphis, TN 38103 (901) 531-7563

Email: wsessions@heatonandmoore.com

Attorneys for Plaintiffs

W. Carl Spining, Esq. (TN #016302) Michael T. Schmitt, Esq. (TN #026573) Ortale Kelley Law 330 Commerce Street, Suite 110 Nashville, TN 37201 (615) 256-9999

Email: cspining@ortalekelley.com mschmitt@ortalekelley.com

Attorneys for Defendants Hardeman County Government, Hardeman County Commission, Hardeman County Sheriff's Office and Jimmy Sain

Charles M. Purcell, Esq. (TN #012461) Jennifer C. Craig, Esq. (TN #020036) Purcell, Sellers & Craig, Inc. P. O. Box 10547 Jackson, TN 38308 (731) 300-0737 Email: chuck@psclegal.com

mail: cnuck@psclegal.com jennifer@psclegal.com

Attorneys for Defendant John Doolen

John D. Burleson, Esq. (TN # Matthew R. Courtner, Esq. (TN # Rainey Kizer Reviere & Bell 209 E. Main Street Jackson, TN 38301 (731) 423-2414

Email: jburleson@raineykizer.com mcourtner@raineykizer.com

Attorneys for Defendant City of Bolivar

s/Frank L. Day